

(4) Any water used to transport the fish is disposed to a municipal sewage system that includes waste water disinfection sufficient to neutralize any VHS virus or to either a non-discharging settling pond or a settling pond that disinfects, according to all applicable local, State, and Federal regulations, sufficiently to neutralize any VHS virus.

(d) Live VHS-regulated fish may be moved interstate during catch-and-release fishing.

(e) The Administrator may, on a case-by-case basis, permit the interstate movement of fish not otherwise provided for in this part, under such conditions as the Administrator may prescribe in each case to prevent the introduction and dissemination of VHS.

(Approved by the Office of Management and Budget under control number 0579-0340)

#### **§ 83.4 VHS-regulated fish and VHS-regulated areas.**

(a)(1) APHIS will list as a VHS-regulated fish any fish species found in freshwater to be susceptible to the North American (type IV) strain of VHS virus under natural (*i.e.*, non-controlled) conditions of exposure and from which VHS virus has been isolated in cell culture or other assay determined by the Administrator to be adequate to detect VHS virus, with confirmation of strain identity through genetic sequencing. Anadromous fish that have migrated into freshwater and from which VHS strain type IV(a) has been isolated will not be considered VHS-regulated fish.

(2) If APHIS determines that, in accordance with the criteria in paragraph (a)(1) of this section, a species should be added to the list of VHS-regulated species, APHIS will publish a notice in the *FEDERAL REGISTER* announcing that determination.

(b)(1) APHIS will list as a VHS-regulated area each State or portion of a State from which VHS virus has been detected in any VHS-regulated fish species (with or without clinical signs of disease) in a water source that is not a secure water source, or which the Administrator determines should be regulated based on criteria such as inadequate surveillance or movement re-

quirements, or other epidemiologic information.

(2) If the Administrator determines that a State or portion of a State meets the criteria in paragraph (b)(1) of this section, APHIS will publish a notice of its decision in the *FEDERAL REGISTER* and take comments from the public. The designation as a VHS-regulated area will become effective upon publication of this notice. After reviewing the comments, APHIS will issue a second notice in the *FEDERAL REGISTER* announcing its decision on whether or not the designation as a VHS-regulated area will remain in effect.

(c) APHIS maintains the lists of VHS-regulated fish and VHS-regulated areas on the APHIS aquaculture Web site at [http://www.aphis.usda.gov/animal\\_health/animal\\_dis\\_spec/aquaculture](http://www.aphis.usda.gov/animal_health/animal_dis_spec/aquaculture). The lists may be obtained from the Animal and Plant Health Inspection Service, Veterinary Services, National Aquaculture Program, 4700 River Road Unit 46, Riverdale, MD 20737-1231.

#### **§ 83.5 Interstate Certificate of Inspection (ICI).**

(a) Live VHS-regulated fish moved interstate in accordance with § 83.3(a) must be accompanied by an ICI issued by an accredited veterinarian or a State, Tribal, or Federal competent authority for aquatic animal health. An ICI will be valid for 30 days from the date of issuance.

(b) The ICI must state that:

(1) The live fish were inspected by the accredited veterinarian or a State, Tribal, or Federal competent authority for aquatic animal health within 72 hours prior to shipment, and were found to be free of any clinical signs of disease consistent with VHS.

(2) The live fish covered by the ICI originated in an area or facility that has demonstrated freedom from VHS in accordance with § 83.6.

(c) The ICI must include the following information:

(1) The name, address, and phone number of the owner or owner's agent.

(2) The name, address, and phone number of the facility in which the fish originated.

(3) The name, address, and phone number of the person or facility who

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will receive the fish; or the State or other regulatory authority responsible for oversight of the environment in which the fish will be introduced.

(4) The name, address, and phone number of the shipping or transportation company.

(5) The species and number of the fish.

(6) The lot (or other) identification of the shipment.

(7) The name, address, and phone number of the approved laboratory that performed the testing required by § 83.6.

(i) The number of fish tested;

(ii) The assay(s) used for testing; and

(iii) The test results.

(8) The date the certificate was issued.

(9) The type of water source according to § 83.6(c).

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### § 83.6 Testing requirements.

(a) A facility can demonstrate freedom from VHS through negative testing results provided by an approved laboratory. Testing must meet the following conditions:

(1) Be conducted with a sample size that provides for a 95 percent confidence level of detecting a 2 percent prevalence of infection in the facility.

(i) Facilities with cultured fish of VHS-regulated species which can document a 2-year history of negative testing for VHS virus, can conduct testing at a sampling level to provide a 95 percent confidence level of detecting a 5 percent prevalence of infection in the facility. Such testing must be conducted twice a year, with at least 3 months between tests.

(ii) Facilities with cultured fish of VHS-regulated species which can document a 4-year history of negative testing for VHS virus can conduct testing at a sampling level to provide a 95 percent confidence level of detecting a 10 percent prevalence of infection in the facility. Such testing must be conducted twice a year, with at least 3 months between tests.

(iii) Such facilities must be on a secure water source, and document that any VHS-regulated species in the facility that originated in VHS-regulated

States or Canadian provinces originate from facilities of the same or higher health status.

(2) Include virus isolation or other assays authorized by the Administrator, using appropriate cell lines to detect VHS virus, if present. All suspect VHS cytopathic effects must be positively identified as VHS through molecular assays and/or genetic sequencing.

(3) Use proportional numbers of each VHS-regulated fish species which might be present in the facility.

(4) Be conducted at water temperatures between 50 and 72 °F, or at other times or under environmental conditions when VHS is most likely to be detected, if present.

(b) When APHIS adds a new species to the list of VHS-regulated species after a facility has been determined to be free of VHS in accordance with paragraph (a) of this section, the facility must conduct additional testing on fish of the newly listed species, if present in the facility, and the fish must be free of VHS virus for the facility to retain its free status. VHS testing must be conducted on each newly listed species with a sample size that provides for a 95 percent confidence level of detecting a 2 percent prevalence of infection in the facility.

(c) For VHS-regulated fish maintained on a secure water source, test results will be *valid* for 6 months from the date of sample collection provided that no fish of a lesser or unknown health status are introduced into the facility. Test results for fish held on a water source that is not a secure water source will be valid for 30 days from the date of sample collection.

### § 83.7 Shipping containers; cleaning and disinfection.

(a) All live fish that are to be moved interstate in accordance with § 83.3(a) must be moved in new containers or in containers that have been cleaned and disinfected.

(1) Cleaning and disinfection of shipping containers must be monitored by the accredited veterinarian or State, Tribal, or Federal competent authority for aquatic animal health who issues the ICI.